

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

§

v.

§

Case No. 2:22-CV-0422-JRG-RSP

SAMSUNG ELECTRONICS AMERICA,
INC., ET AL.

§
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**Pretrial Conference
MAG. JUDGE ROY PAYNE PRESIDING
July 2, 2024**

OPEN: 9:00 am

ADJOURN: 4:46 pm

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEY FOR DEFENDANTS: See attached

LAW CLERK: Joshua Scheufler

COURT REPORTER: Ed Reed

COURTROOM DEPUTY: Becky Andrews

Court opened. Case called. Chris Bunt introduced co-counsel and announced ready. Melissa Smith introduced co-counsel and announced ready.

Jury Selection will be August 5, 2024, at 9:00 a.m. before Judge Gilstrap. There are several cases still on the docket and Judge Gilstrap will announce the order of the trials soon. The parties will have 30 minutes per side for voir dire. Eight jurors will be seated. The parties will have four preemptory strikes each side. The parties will have 30 minutes for opening statements and 40 minutes per side for closing arguments. The Court will allow 12 hours of evidence per side.

The Court will be in chambers at 7:30 a.m. each morning. If the parties, after a meet and confer, are unable to resolve a dispute, the Court will be there for that purpose. The parties shall email the law clerk assigned to the case by 10:00 p.m. that night and by 7:00 a.m., the parties are directed to jointly prepare a 3-ring binder to chambers that should include a copy of what is at issue with a short narrative from each side so as to prepare Judge Gilstrap to take those matters up at 7:30 with counsel. The jury will report at 8:30 daily. Lunch is supplied to the jury, which means the lunch break will be held to 40-45 minutes. Typically, the jury will be excused around 6:00 p.m., depending upon a stopping point with a particular witness

If there are deposition disputes, the parties shall bring such disputes to the Court's attention the

morning of the day before the day of use.

It is the Court's practice to hold all Rule 50A motions until the close of all evidence. There will be an informal charge conference off the record to look at the state of the proposed jury instructions, usually held at the close of all evidence. It is the Court's practice to not refer to witnesses and others by their first name alone. This is important to keep the record clear. The Court has a standing order on sealing the courtroom and parts of the transcript. If you are going to request that in this case because of confidential information, read the standing order.

There is a questionnaire for jurors that can be sent. The Deputy Clerk, Kecia Clendening, can answer any questions. There is also a standing order online about the use of the questionnaires.

The parties will provide 12 juror notebooks by close of business on the Wednesday before jury selection. Each notebook shall contain a sheet with a photo of each witness with the name under the photo and lines for taking notes, a copy of the patent(s), the Court's claim construction chart, any stipulations, a 3-hole punched note pad and a non-clicking pen.

Experts should be held to the four-corners of their reports.

As modified the Pretrial Order is adopted.

Jason Wietholter brought up a combination of a witness objection and a deposition designation objection of the deposition of Dr. Gregory Raleigh. Mike McKeon responded.

Mr. Wietholter also brought up an issue with the deposition of Jeff Sharkey. The Court instructed the parties to continue to meet and confer.

The Court heard objections to Plaintiff's Motions in Limine. Marc Fenster, Kris Davis, James Pickens and Reza Mirzaie argued for plaintiff. Ben Thompson, Thad Kodish, Tom Reger, Jared Hartzman and Mike McKeon argued for defendants. The Court made rulings.

The parties then argued Defendants' objections to Plaintiff's exhibits. Sara Fish tendered a list of the exhibit buckets, which is attached hereto. Chris Davis, James Pickens and Adam Hoffman argued for plaintiff. Jared Hartzman also argued for defendants. The Court made rulings.

The Court then heard arguments on Plaintiff's objections to Defendants' exhibits. Mr. Wietholter and Mr. Pickens for plaintiff. Ms. Fish, Mr. Thompson and Mr. Hartzman for Samsung. The Court made rulings.

The parties are instructed to update the exhibit lists, exchange with opposing counsel and file into the record by Monday, July 15th.

Regarding the evidentiary hearing set on June 25th, Mr. Fenster responded that Dr. Raleigh will be present. Mr. McKeon responded that lead counsel is not available on June 25th and asked the Court to consider a new date. The Court instructed Mr. McKeon to file a Motion for Continuance.